

## REMARKS

The present application includes pending claims 16, 17, and 21-32. By this Amendment, claims 16, 22, and 28 have been amended as set forth above. The Applicants respectfully submit that the claims define patentable subject matter.

The Office Action states that the present “application’s claim for continuity data is inconsistent with PTO records.” *See* January 4, 2006 Office Action at page 2. The Applicants have amended the specification as set forth above. The Applicants note that the specification was previously amended by the Preliminary Amendment filed May 23, 2001.

The Applicants respectfully submit that the invention described by the pending claims may be used in establishments such as restaurants and bar, as well as homes and other private venues. The Applicants have amended claims 16 and 22 to delete “a money intake device,” in order to further clarify this point.

The Office Action states that “no reasons for allowance were given for claim 28, applicant’s statements regarding them are unfounded.” The Applicants agree that no reasons for allowance were given for claim 28. Further, the Applicants never made any statement regarding reasons for allowance of claim 28. *See* February 14, 2005 Amendment at page 11 (“The Examiner’s Reasons for Allowance **and** claims 28-30 do not recite a ‘money intake device,’ as recited in pending independent claims 16, 22, and 27 of the present application”).

Claim 28 stands rejected under 35 U.S.C. 112, first paragraph, because the received “pictorial graphics” are not enabled by the specification. Initially, the Applicants note that the

Examiner suggested this phraseology for claim 28. In particular, the Notice of Allowability stated the following:

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph Butscher on 12/9/04.

In Claim 28.

replace the word –images- with –pictorial graphics-

*See* December 27, 2004 Notice of Allowability at page 2. Nevertheless, in order to expedite prosecution, the Applicants have amended claim 28 as set forth above.

The Office Action also rejects claims 29 and 30 under 35 U.S.C. 112, first paragraph because the “digitally stored song associated graphics” are not enabled by the specification. In order to expedite prosecution of the present application towards allowance, the Applicants have amended claims 29 and 30 as shown above. Thus, the Applicants respectfully request reconsideration of these rejections.

Claim 16 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite because the term “graphic images” does not have antecedent basis. The Applicants respectfully disagree. Claim 16 clearly recites “graphic images” in the processor/memory limitation, which reads as follows:

a memory connected with the processor, the memory including a decompression algorithm for decompressing compressed digital song data, instructions causing the processor, when no song is playing on the computer jukebox, to generate a user attract mode

wherein **digitally-stored song associated graphic images** are shown on the display

Note, the limitation does not recite “**the** digitally-stored song associated graphic images.” Instead, the limitation is introduced as “digitally-stored song associated graphic images.” The Manual of Patent Examining Procedure states the following:

When the examiner is satisfied that patentable subject matter is disclosed, and it is apparent to the examiner that the claims are directed to such patentable subject matter, he or she should allow claims which define the patentable subject matter with a reasonable degree of particularity and distinctness. Some latitude in the manner of expression and the aptness of terms should be permitted even though the claim language is not as precise as the examiner might desire.

*See* MPEP at § 2173.02 (emphasis in original). Clearly, the Examiner believes claim 16 contains patentable subject matter, as indicated in the previous Notice of Allowability. Thus, the Applicants respectfully request reconsideration of this rejection. Further, if this rejection is maintained, the Applicants respectfully request a suggestion for an amendment, as the MPEP encourages. *See id.* (“Examiners are encouraged to suggest claim language to applicants to improve the clarity or precision of the language used, but should not reject claims or insist on their own preferences if other modes of expression selected by applicants satisfy the statutory requirement.”).

The Office Action also asserts that claim 16 is “incomplete for omitting essential elements, such omission amounting to a gap between the elements... . The omitted elements are decompression of the compressed pictorial graphics, which would be essential to the display of the graphics.” *See* January 4, 2006 Office Action at page 4. In order to expedite prosecution of

the present application towards an allowance, the Applicants have amended claim 16 to recite “instructions causing the processor, when no song is playing on the computer jukebox, to generate a user attract mode wherein digitally-stored song associated graphic images are decompressed and shown on the display.” Thus, the Applicants request reconsideration of this claim limitation.

Claim 28 stands rejected under 35 U.S.C. 112, second paragraph because “digitally stored song associated pictorial graphics” allegedly do not have antecedent basis. Claim 28 has been amended as set forth above and the Applicants respectfully request reconsideration of this rejection at least for the reasons discussed above with respect to claim 16.

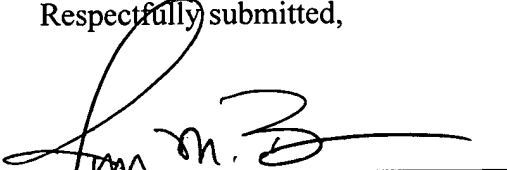
Claims 29-30 stand rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 5,084,768 (“Stern”). Stern relates to

A method and apparatus for previewing recorded information. The apparatus includes a selection of back-lit switches, each of which displays audio or video selection information. A user indicates a desired selection for preview by pressing one of the back-lit switches. An audio and video preview of the desired selection is presented to the user by playback of a optical disc or portion thereof.

*See* Stern at Abstract. Stern, however, does not describe, teach, or suggest “generating a user attract mode in which digitally-stored song associated graphics are decompressed and shown on a display when no selected song is playing on the computer jukebox,” such as recited in claims 29-30, as amended. Thus, at least for this reason, the Applicants respectfully submit that Stern does not anticipate claims 29-30.

The Applicants respectfully submit that the claims of the present application should be in condition for allowance and request reconsideration of the claim rejections. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney for the Applicants. The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,



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